

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

Priscilla Sterling, Raine Becker, Shawn Miller, and
John Bennett, individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

The City of Jackson, Mississippi; Chokwe A.
Lumumba; Tony Yarber; Kishia Powell; Robert
Miller; Jerriot Smash; and Trilogy Engineering
Services LLC,

Defendants.

Civil No. 3:22-cv-00531-KHJ-MTP

**PLAINTIFFS' RESPONSE IN OPPOSITION TO DEFENDANT TRILOGY
ENGINEERING SERVICES, LLC'S MOTION TO STRIKE PARAGRAPH 206 OF
PLAINTIFFS' SECOND AMENDED CLASS ACTION COMPLAINT FOR
INJUNCTIVE RELIEF AND MONEY DAMAGES WITH JURY TRIAL DEMAND**

On March 22, 2024, Defendant Trilogy Engineering Services, LLC (Trilogy") filed its third nearly-identical motion and supporting memorandum to strike one paragraph from Plaintiffs' Second Amended Complaint ("SAC"): "LeBlanc held an unreported campaign fundraiser for Yarber in 2014." *Compare* Dkt. 109, 110 *with* Dkt. 36, 37 *and* Dkt 58, 59.

This Court has twice denied Trilogy's attempts to strike this sentence from the complaint. *See* May 16, 2023 Order Denying Mot. to Strike (Dkt. 50) ("Order"); June 30, 2023 Text Only Order Denying Mot. to Strike (Text Only Order).

In its first Order, this Court denied Trilogy's Motion to Strike the exact same sentence Trilogy now moves again to strike: "LeBlanc held an unreported campaign fundraiser for Yarber

in 2014.” The Court reasoned that “[t]he Fifth Circuit has long recognized that striking a pleading is a ‘drastic remedy’ that ‘should be sparingly used’ and ‘only when required for the purposes of justice.’” Order at 1 [Dkt. 50] (quoting *Augustus v. Bd. of Pub. Instruction*, 306 F.2d 862, 868 (5th Cir. 1962)). The Court held, “Trilogy fails to convince the Court that the paragraph it seeks to strike is “redundant, immaterial, impertinent, or scandalous” such that a drastic remedy is required.” *Id.* On June 30, 2023, the Court again denied Trilogy’s second motion to strike the same paragraph in a Text Only Order, stating “Trilogy previously filed a nearly identical motion that the Court denied. See [36], [50]. For the same reasons in the previous [50] Order, the Court denies the motion.”

For the reasons set forth in the Court’s May 16, 2023 Order [Dkt. 50] and Plaintiffs’ Memorandum of Law in Opposition to Trilogy’s Motion to Strike [Dkt. 45], hereby incorporated by reference, Plaintiffs respectfully request the Court deny Trilogy’s Third Motion to Strike.

Dated: April 5, 2024

/s/ Mark P. Chalos
 Mark P. Chalos (*Pro Hac Vice*)
Lead Counsel
 Lieff Cabraser Heimann & Bernstein, LLP
 222 2nd Avenue South, Suite 1640
 Nashville, TN 37201-2379
 Telephone: 615-313-9000
 Facsimile: 615-313-9965
 mchalos@lchb.com

Robert L. Gibbs (Bar No. 4816)
 Gibbs Travis PLLC
 210 East Capitol Street, Suite 1801
 Jackson, MS 39201
 Telephone: 601-487-2640
 Fax: 601-366-4295
 rgibbs@gibbstavis.com

Tiseme G. Zegeye (*Pro Hac Vice*)
 Amelia A. Haselkorn (*Pro Hac Vice*)
 Lieff Cabraser Heimann & Bernstein, LLP
 275 Battery Street, 29th Floor

San Francisco, CA 94111-3339
Telephone: 415-956-1000
Facsimile: 415-956-1008
tzegeye@lchb.com
ahaselkorn@lchb.com

Stuart C. Talley (*Pro Hac Vice*)
Kershaw Talley Barlow, P.C.
401 Watt Avenue, Suite 1
Sacramento, CA 95864
Telephone: 916-779-7000
stuart@ktblegal.com

Larry Moffett (Bar No. 3401)
Law Office of Larry D. Moffett PLLC
P.O. Box 1418
39 CR 231
Oxford, MS 38655
Telephone: 662-298-4435
larry@larrymoffett.com

Attorneys for Plaintiffs and the Proposed Class

CERTIFICATE OF SERVICE

I hereby certify that on April 5, 2024 I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which served a copy of the foregoing on all counsel of record.

/s/ Amelia A. Haselkorn

Amelia A. Haselkorn